ATTORNEY GENERAL FRAUD CLAIMS NOTIFICATION

(FY2008 Appropriation Bill - Public Act 123 of 2007)

30 Days After Notice by Attorney General

Section 270: Within 30 days after receipt of the notification from the attorney general's office of a legal action in which expenses had been recovered pursuant to section 106(4) of the social welfare act, 1939 PA 280, MCL 400.106, or any other statute under which the department has the right to recover expenses, the department shall submit a written report to the house of representatives and senate appropriations subcommittees on community health, the house and senate fiscal agencies, and the state budget office which includes, at a minimum, all of the following: (a) The total amount recovered from the legal action. (b) The program or service for which the money was originally expended. (c) Details on the disposition of the funds recovered such as the appropriation or revenue account in which the money was deposited. (d) A description of the facts involved in the legal action.



MDCH FY2008 Attorney General Fraud Collections - Boilerplate Report Sec. 270 - As of June 30, 2008

	(a) Total amount	(b) Program for which	The second secon	
	recovered - State	money originally	(c) APPN or Revenue Acct money was deposited	(d) Description of facts involved in legal
Payee	Fund	expended	in Index/PCA/AOBJ	action
Ciena Health	\$487,900.45	Medicaid	All deposits are to miscellaneous prior year revenue which lapses to the general fund.	See Attached Document
Specialized Pharmacy	\$2,454,868.00	Medicaid Pharmacy	All deposits are to miscellaneous prior year revenue which lapses to the general fund.	See Attached Document
Aventis Anzemet	\$188,578.26	Medicaid Pharmacy	All deposits are to miscellaneous prior year revenue which lapses to the general fund.	See Attached Document
Merck I	\$1,808,325.00	Medicaid Pharmacy	All deposits are to miscellaneous prior year revenue which lapses to the general fund.	See Attached Document
Merck II	\$854,768.50	Medicaid Pharmacy	All deposits are to miscellaneous prior year revenue which lapses to the general fund.	See Attached Document
CVS/Caremark	\$174,277.76	Medicaid Pharmacy	All deposits are to miscellaneous prior year revenue which lapses to the general fund.	See Attached Document
General - Global Settlements	\$78,881.58	Medicaid	All deposits are to miscellaneous prior year revenue which lapses to the general fund.	
Fraud Receivables Greater Than \$100,000	\$139,946.00	Medicaid	All deposits are to miscellaneous prior year revenue which lapses to the general fund.	Billy Lim, DDS
Fraud Receivables Less Than \$100,000	\$57,469.40	Medicaid	All deposits are to miscellaneous prior year revenue which lapses to the general fund.	
Total Recovered GF	\$6,245,014.95		·	

Note: Fraud Receivables GF assumes that all receivables are Federal Match.

J. 2007 0:42AIYI

DEPARTMENT OF

ATTORNEY GENERAL

MEMORANDUM

Request for Settlement/Mediation/Plea Authority

July 19, 2007

TO: Thomas Cameron Bureau Chief Criminal Justice Bureau APPROVED Division Chief

FROM: Mark Matus First Assistant

Health Care Fraud D

APPROVED Bureau Chief

Chief Deputy

RE: Due Date for Response: July 25, 2007 Ciena Health Care Management, Inc.

HCF #2004-05-1035

APPROVED

Date

Request authority for: Settlement

Request authority in the amount of: \$487,901.00

Acceptance Recommended

Opponent's settlement demand: \$487,901.00

Client Approval: Pending, but anticipated

in DCH in NOV. 07

The Health Care Fraud Division and the United States Attorney's Office for the Eastern District of Michigan have negotiated a proposed settlement of health care fraud allegations against Ciena Health Care Management that includes Medicaid reimbursement of \$1.25 million and a corporate integrity agreement. This memorandum recommends that the settlement be approved.

Ĭ. Facts

Ciena Health Care Management and its owner, Mohammad A. Qazi, operate twenty-seven nursing homes in Michigan. Over the past few years, the Health Care Fraud Division has conducted several investigations of Ciena and some of it nursing homes based on allegations of substandard care of nursing home residents. During the last two years, two of the Ciena nursing homes, Americare Convalescent Center and Qualicare Nursing Home, were included on the Department of Community Health's Special Focus Facilities list as a Special Focus Facility or a potential Special Focus Facility, meaning that they had been singled out as being among the worst nursing homes in the State. Despite these events, however, we had not uncovered facts that would have supported a criminal prosecution or a Medicaid False Claims civil action.

In 2005, we accepted an invitation from the U.S. Attorney Office's in Detroit (Michael Riordan) to pursue a joint investigation of Ciena with their office. The impetus for their investigation was a 2003 federal qui tam relating to Ciena's St. James Nursing Center in Detroit. All of the costs of the consultants who assisted in the investigation were born by the United States from that point forward, but all other aspects of the investigation were conducted in equal measure by the two This document contains confidential attorney-client communications, attorney work product, settlement negotiations, is part of the deliberative and peer review process and is not subject to FOIA requests or discovery.

DAG MILIM

ATTORNEY GENERAL

MEMORANDUM

December 5, 2007

TO: James Selleck Financial Manager Fiscal Management Division

FROM: Mark W. Matus

First Assistant

Health Care Fraud Di

RE: Specialized Pharmacy Settlement HCF No. 2006-12-8024

> Attached please United States Treasury check No. 221 32081204, dated November 28, 2007, from the United States, received December 4, 2007, in the amount of \$1,364,603.00. The check is the latest payment based on the October 2006 settlement agreement with Specialized, resolving Medicaid fraud claims for \$52.5 million. Although the amount of this payment was negotiated as part of the 2006 settlement, it was delayed by the United States' joining in the resolution (and the proceeds) of this aspect of the settlement by means of a qui tam action. The federal government has already deducted its share and the qui tam relator's share from the settlement, so the entire check belongs to the state. The settlement amount represents \$454,868.00 in Medicaid restitution, and \$909,735.00 in penalty dollars. The proceeds should be distributed appropriately.

> Under the October 2006 settlement agreement, we are also scheduled to receive another installment on the settlement on December 15, 2007 (and on the same date in 2008 and 2009), in the amount of \$2,000,000, representing penalty dollars. I anticipate that the December 15 payment will come from Omnicare by electronic funds transfer.

MWM:rgf

Att. c:

Thomas Cameron

Wallace Hart

Ruth Shockey.

Terri Waddill/Shirley Edelman

Eric Spanogle

DIV ADMIN M. SELLECK,

190/04225/1731

Caching given to Ab's 70090/99950/7564 Per Lyle Ross 12/13/07

GQ 001254 Batton AGY 111

454,868,00

STATE OF MICHIGAN CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT INGHAM COUNTY

MICHAEL A COX, EX REL PEOPLE OF THE STATE OF MICHIGAN AND THE MICHIGAN DEPARTMENT OF COMMUNITY HEALTH,

Plaintiffs.

Case No 06-1039 -CZ

 \mathbf{v}

Hon. William B Collette

SPECIALIZED PHARMACY SERVICES, INC., SPECIALIZED PHARMACY SERVICES, LLC, OMNICARE, INC., AND TCPI ACQUISITION CORP., U/6/2 SPECIALIZED PHARMACY SERVICES - WEST, OMNICARE PHARMACY SERVICES - GRAND RAPIDS, TOTAL CARE PHARMACY AND TOTAL CARE SERVICES,

Defendants.

Mark Mains (P36659)
Assistant Attorneys General
Attorney for Plaintiffs
Health Care Fraud Division
P.O. Box 30218
Lansing, MI 48909
(517) 241-6500

Richard Zuckerman (P26521)
Jehnifor Zbytowski Bolycal (P54740)
Attorneys for the Defendants
Honigman, Miller, Schwartz & Cohn LLP
2290 First National Building
660 Woodward Ave
Detroit, MI 48226-3583
(313) 465-7618

SETTLEMENT AGREEMENT

I. Parties

This Settlement Agreement is entered into between Plaintiffs Michael A. Cox, Attorney
General of the State of Michigan, ex rel the People of the State of Michigan and the Michigan
Department of Community Health, and Defendants Specialized Pharmacy Services, Inc.,
Specialized Pharmacy Services, LLC, Omnicare, Inc., and TCPI Acquisition Corp., d/b/a

commitment to comply with Medicaid pharmacy policy and procedure governing access to records and the providing of and billing for pharmaceuticals

- 3.6 The Corporate Integrity Agreement is the basis upon which the Settlement Agreement is entered and it is hereby incorporated by reference in this Settlement Agreement as if fully set forth
 - D. Schlement
- \$15,900,477 00 in Medicaid reimbursement, \$31,800,954,00 in satisfaction of claims under MCL 400.612, \$300,000.00 in investigative costs, and \$1,000,000.00 for public service announcements payable as follows: a) by October 10, 2006—\$42,001,431.00, of which \$42,001,431.00 shall be payable to the State of Michigan and includes \$300,000.00 for reimbursement of the Michigan Department of Attorney General's investigative costs, b) by October 10, 2006, a separate check in the amount of \$1,000,000.00 payable to a non-profit entity to be named at a later date for the purchase of public service announcements and/or development and maintenance of a web site regarding drug pricing, c) on December 15, 2007—\$2,000,000.00 to the State of Michigan, d) on December 15, 2009—\$2,000,000.00 to the State of Michigan, and e) on December 15, 2009—\$2,000,000.00 to the State of Michigan
- 3 8 In consideration of this Agreement and the Corporate Integrity Agreement and subject to the exceptions from release set forth in Paragraphs 3 9 and 3.17 below, the Plaintiffs, on behalf of the State, release Defendants, their predecessors, and their current and former corporate parents, affiliates, divisions, subsidiaries, successors and assigns, and their current and former directors, officers and employees from any civil claims and, except for any action or claim that is pending when this Agreement is executed, administrative claims for Medicaid damages or penalties that they have or may have relating to the Covered Conduct from 1999

ATTORNEY GENERAL

MEMORANDUM

February 12, 2008

то: James Selleck Financial Manager Fiscal Management Division

FROM: Mark W. Matus
First Assistant
Health Care France

Health Care Fraud Division

RE: Global Settlement - Aventis Anzemet HCF No. 06-03-1423

Attached please find check #2429, dated February 7, 2008, from the Medicaid Fraud Control Unit, State of New York, received February 11, 2008, in the amount of \$377,156.53. The check is the state's share of a global Medicaid settlement with the above company. The federal government has already deducted its share. The settlement amount represents \$178,962.55 in Medicaid restitution, \$178,962.55 in penalty dollars, and \$19,231.42 in interest. A Distribution of Proceeds sheet is attached. The proceeds should be distributed appropriately.

MWM:rgf

Att.

Ruth Shockey

Terri Waddill/Shirley Edelman

Eric Spanogle

DIV ADMIN M.SELLECK.080212 AVENTIS ANZEMET

GF 199950/9564

ATTORNEY GENERAL

MEMORANDUM

February 25, 2008

To: James Selleck
Financial Manager
Fiscal Management Division

FROM: Mark W. Matus
First Assistant
Health Care Fraud Di

RE: Global Settlement - Merck I & II HCF No. 06-02-1141

Attached please find two checks: 1) Check #2479 in the amount of \$1,835,716.00, dated February 19, 2008 (Merck I); and 2) Check #1589 in the amount of \$1,709,537.00 dated February 20, 2008 (Merck II). Both checks are from the Medicaid Fraud Control Unit, State of New York, and we received them on February 11 and 25, 2008. The checks are the state's share of two global Medicaid settlements with the Merck & Co. Inc. The federal government has already deducted its share. The Merck I settlement amount (\$1,835,716.00) represents \$1,780,934 in Medicaid restitution and \$54,782 in interest. The Merck II settlement amount (\$1,709,537.00) represents \$841,945 in Medicaid restitution, \$841,945 in penalty dollars and \$25,647 in interest. A Distribution of Proceeds sheet for each settlement is attached. The proceeds should be distributed appropriately.

MWM:rgf

Att.

c: Ruth Shockey Terri Waddill/Shirley Edelman

Eric Spanogle

DIV ADMIN M.SELLECK.080225.

90006/99950/9564

ATTORNEY GENERAL

MEMORANDUM

March 24, 2008

то: James Selleck Financial Manager Fiscal Management Division

FROM: Mark W. Matus

First Assistant

Health Care Frau

RE: Global Settlement - CVS/Caremark HCF No. 05-01-0029

Attached please find check #2522, dated March 18, 2008, from the Medicaid Fraud Control Unit, State of New York, received March 19, 2008, in the amount of \$348,555.52. The check is the state's share of a global Medicaid settlement with the above company. The federal government has already deducted its share. The settlement amount represents \$174,277,76 in Medicaid restitution, \$174,277.76 in penalty dollars. A Distribution of Proceeds sheet is attached. The proceeds should be distributed appropriately.

MWM:rgf

Att.

c: Ruth Shockey

Terri Waddill/Shirley Edelman

Eric Spanogle

190/04225/1731

DIV ADMIN M.SELLECK.080324 CVS.CAREMARK

TKACD-M	TRUE	3557 \$	6,000.00 WOODBURY, RAYMOND	SAYMOND	7488 CHECK	835607891-8	ó	e,00.000 #	6,000.00	-12C-1
FRAIID-M	TRIF		+	HAN A GRANT	7804 CHECK	1449389	.	į	44444444	03-Mar-08
FRAUD-M	TRUF		1	HAN LA GRANT	7423 CHECK	1419658	ေ	50.00		11-Jan-08
FRAUD-M	TRUE		-	HAN LA GRANT	7033 CHECK	1387641	es	170.00 \$	170.00	70-voV-10
FRAUD-M	TRUE	į	*	THAN LA GRANT	8359 CHECK	1485771	69	50.00 \$	50.00	02-May-08
FRAUD-M	TRUE	281 \$		THAN LA GRANT	8861 CHECK	1511944	σ	50.00	50.00	25-Jun-08
FRAUD-M	TRUE	281		HAN LA GRANT	8052 CHECK	1464718	· С Э	100.00	100.00	31-Mar-08
FRAUD-M	TRUE	281 \$		THAN LA GRANT	8765 CHECK	1508605	ω	50.00	50.00	17-Jun-08
FRAUD-M	TRUE	281 \$		HAN LA GRANT	7613 CHECK	1427446	မ	50.00 \$		28-Jan-08
FRAUD-M	FALSE			UCE DEVLON	7553 CHECK	19358 1425376	မှ	ş		22-Jan-08
FRAUD-M	FALSE	121 \$		UCE DEVLON	8384 CHECK	19900 1488435	မ	30.00		15-May-08
FRAUD-M	FALSE	121 \$		UCE DEVLON	8766 CHECK	20062 1508603	မာ			17-Jun-08
FRAUD-M	FALSE	121 \$		UCE DEVLON	7846 CHECK	19589 1453964	s	30.00 \$	30.00	11-Mar-08
FRAUD-M	FALSE	<u>.</u>		NTAL HEALTH INC	6971 CHECK	682 (3/4/2003)	ဟ	300.00	n	23-Oct-07
FRAUD-M	FALSE	107 \$	4	NTAL HEALTH INC	6970 CHECK	652 (10/23/02)	6	250.00 \$	250.00	23-Oct-07
FRAUD-M	FALSE	107 \$	3 75,000.00 PARKSIDE MENTAL HEALTH	NTAL HEALTH INC	7428 CHECK	1419698	4	200.00	200.00	11-Jan-08
FRAUD-M	FALSE	107 \$	5 75,000.00 PARKSIDE MENTAL HEALTH		7002 CHECK	1385613	· ·	200.00	200.00	29-Oct-07
FRAUD-M	FALSE	107 \$		NTAL HEALTH INC	7220 CHECK	351057695	ω,	200.00	200.00	13-Dec-07
FRAUD-M	TRUE	340 \$	3 70,000.00 ZAGERMAN ENTERPRISE, IN	NTERPRISE, INC.	7185 CHECK	1401937	⇔	1,250.00 \$	1,250.00	30-NoV-05
FRAUD-M	TRUE	340 \$		NTERPRISE, INC.	6988 CHECK	1383909	ۍ ۲	250.00 \$	1,250.00	24-Oct-07
FRAUD-M	TRUE	340 \$		~	7425 CHECK	3758 1419695	s	500.00	500.00	11-Jan-08
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FRAUD-M	FALSE	1		MAN LAVELLE	7554 CHECK	19359 1424917	69	50.00 \$	50,00	22-Jan-08
FRAUD-M	FALSE	116 \$		MAN LAVELLE	7119 CHECK	19054 1398796	υ	50.00	20.00	26-Nov-07
	FALSE			MAN LAVELLE	8673 CHECK	20063 1502938	49	\$0.00	50.00	10-Jun-08
	FALSE	WALK	- 5	MAN LAVELLE	8540 CHECK	19978 1496825		50.00	50.00	28-May-08
	FALSE		_	MAN LAVELLE	7740 CHECK	19504 1442651	8	50.00 \$	20.00	21-Feb-08
FRAUD-M	FALSE			SUHEIL	8767 CHECK	2868 1508597	S	250.00 \$	250.00	17-Jun-08
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	FALSE	į		SUHEIL	7828 CHECK	2734 1449870	\$	250.00 \$	250.00	06-Mar-08
	FALSE	112 \$	_	SUHEIL	8383 CHECK	2830 1488436	\$	250.00 \$	250.00	15-May-08
	FALSE	- 1			7847 CHECK	2529 1453966	မှ	153.03 \$	153.03	11-Mar-08
FRAUD-M	TRUE	126 \$	VANA.	ERETTE BERNARD MD I	7478 CHECK	1420959	÷	,050.00 \$	1,050.00	16-Jan-08
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FRAUD-M	TRUE			HARMACY	7552 CHECK	1425381	(S	128.00 \$	128.00	22~Jan-08
FRAUD-M	TRUE	4	4	IARMACY	7034 CHECK	1387642	↔	128.00 \$	128.00	20-voN-90
FRAUD-M	TRUE	3		IARMACY	7925 CHECK	1460723	69	128.00 \$	128.00	19-Mar-08
FRAUD-M	TRUE	773 \$		IARMACY	8545 CHECK	1497499	69	128.00 \$	128.00	28-May-08
FRAUD-M	FALSE	1098 \$	*******	X	7118 CHECK	7270 1398331	., ,	1,250.00 \$	1,250.00	26-Nov-07
FRAUD-M	TRUE	. :		J NOS	8808 CHECK	past Coll's	დ	6,346.87 \$	6,346.87	19-Jun-08
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FRAUD-M	TRUE	2066 \$	26,	JLAS WILLIAM	7735 CHECK	5213-9/17/07	₩	500.00	500.00	20-Feb-08
FRAUD-M	TRUE	2067 \$	209.70 FRENCHER, STANLEY	TANLEY	8803 CHECK	August 1999	↔	99.72 \$	99.72	19-Jun-08

	- 1	5		5	**************************************	2	ĵ)	200
11-Dec-07	84.87	84.87.5	11/07)	7250 CHECK	R3173 RRAZII MICHAFE	3399	i E	FRAUD-M
26-Mar-08	50.00	20.00	19605 1461172 \$	7983 CHECK	714.05 AWERBUCH, GAVIN	3221 \$	TRUE	FRAUD-M
31-Mar-08	942.00	942.00 \$	1464725 \$	8051 CHECK	149,456.84 HILDEBRANDT, JOHN F MD	3224 \$	TRUE	FRAUD-M
1-Nov-07	157.00	157.00 \$		7032 CHECK	149,456.84 HILDEBRANDT, JOHN F MD	3224 \$	TRUE	FRAUD-M
80-May-08	942.00	942.00 \$	1499391	8601 CHECK	149,456.84 HILDEBRANDT, JOHN F MD	3224 \$	TRUE	FRAUD-M
25-Jun-08	2,558.31	2,558.31 \$	1511945	8860 CHECK	149,456.84 HILDEBRANDT, JOHN F MD	3224 \$	TRUE	FRAUD-M
03-Mar-08	942.00	942.00 \$	1449394 \$	7802 CHECK	149,456.84 HILDEBRANDT, JOHN F MD	3224 \$	TRUE	RAUD-M
02-May-08	942.00	942.00 \$	1485774 \$	8361 CHECK	149,456.84 HILDEBRANDT, JOHN F MD	3224 \$	TRUE	FRAUD-M
14-Jan-08	942.00	942.00 \$	1419691	7431 CHECK	149,456.84 HILDEBRANDT, JOHN F MD	3224 \$	TRUE	FRAUD-M
28-Jan-08	47,718.44	47,718.44 \$	1428178 \$	7615 CHECK	149,456.84 HILDEBRANDT, JOHN F MD	3224 \$	TRUE	FRAUD-M
13-Nov-07	1,344.43	2,121.31 \$	1762 1390059 \$	7098 CHECK	201,389.00 FRIENDS WHO CARE INC.	2362 \$	TRUE	FRAUD-M
16-Apr-08	1,275.37	2,121.31 \$	1843 1475823 \$	8172 CHECK	201,389.00 FRIENDS WHO CARE INC.	2362 \$	TRUE	FRAUD-M
80-Leb-08	1,532.38	2,121.31 \$	1817 1433076 \$	7661 CHECK	201,389.00 FRIENDS WHO CARE INC.	2362 \$	TRUE	=RAUD-M
11-Jan-08	1,109.18	2,121.31 \$	1795 1419651 \$	7430 CHECK	201,389,00 FRIENDS WHO CARE INC.	2362 \$	TRUE	FRAUD-M
30-Nov-07	1,474.38	2,121.31 \$	1769 1401940 \$	7187 CHECK	201,389.00 FRIENDS WHO CARE INC.	2362 \$	TRUE	"RAUD-M
08-Oct-07	1,263.54	2,121.31 \$	1742 1374330 \$	6899 CHECK	201,389.00 FRIENDS WHO CARE INC.	2362 \$	TRUE	-RAUD-M
12-Mar-08	1,245.25	2,121.31 \$	1837 1455300 \$	7861 CHECK	201,389.00 FRIENDS WHO CARE INC.	2362 \$	TRUE	-RAUD-M
17-Jun-08	1,170.03	2,121.31 \$	1876 1508056 \$	8769 CHECK	201,389.00 FRIENDS WHO CARE INC.	2362 \$	TRUE	-RAUD-M
06-May-08	1,641.31	2,121.31 \$	1854 1486842 \$	8373 CHECK	201,389.00 FRIENDS WHO CARE INC.	2362 \$	TRUE	FRAUD-M
29-Oct-07	363.34	363.34 \$	coll. by agency \$	7008 CHECK	85,638.74 WILLIAMS, CLARENCE	2072 \$	TRUE	-RAUD-M

ER THAN \$100,000		ED. STATE	(b) Transactions DATE	06-Mar-08	05-Nov-07	30-Nov-07	22-Jan-08	31-Mar-08	02-May-08	10-Dec-07	IAN \$100,000
	FMAP RATE	TOTAL RECOVER									FRAUD N LESS THAN \$100,000
334,000.00	0.419	139,946.00	PRINCIPLE	51.47	51.04	103.25	103.07	169.30	169.30	26,698.81	27,346.24
49	()	()	d.	51.47 \$	1.04	103.25 \$	03.07 \$	169.30 \$	169.30 \$	26,698.81 \$	(A)
			AMOUNT	\$	ડ	\$ 10.	\$ 100	\$ 169	\$ 169	\$ 26,698	
			CHECK_NO	1449398	389013	1402179	1425385	1464722	485776	6/10/03)	
			NSACTIORANS_TYF CHECK NO	7803 CHECK 1	7055 CHECK 1.	7186 CHECK 1	7551 CHECK 1,	8050 CHECK 1	8362 CHECK 1.	7239 CHECK 6	
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			/ABLERIGIN	269 \$	269 \$	269 \$	269 \$	269 \$	269 \$	3392 \$	
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28-May-08 11-Jan-08

tb/Transactions.DATE

\$ 167,000.00 \$ 167,000.00 \$ 167,000.00 \$ 167,000.00

INSACTIORANS TYR CHECK NO # 8546 CHECK 1497497 7429 CHECK 14196

PROVIDER NAME

PROVERED TRUE 3162 \$ 1,300,000.001.IM, BILLY S DDS TRAUD-M TRUE 3162 \$ 1,300,000.001.IM, BILLY S DDS TRAUD-M TRUE 3162 \$ 1,300,000.001.IM, BILLY S DDS

TOTAL FRAUD-M & N RECEIVABLES/GF COLLECTED CUMMULATIVE THRU FY08 3RD QUARTER \$ 197,415.40

\$ 137,158.48 FRAUD M & N LESS THAN \$100,000 \$ 0.419 FMAP RATE \$ 57,469.40 TOTAL RECOVERED-STATE